

AMENDED IN ASSEMBLY APRIL 21, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 247

Introduced by Assembly Member Scott

February 11, 1997

An act to amend Section 53071 of the Government Code, relating to firearms, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 247, as amended, Scott. Firearms: preemption.

Existing law expresses the intent of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the Penal Code.

This bill would authorize any city or county to enact an ordinance by resolution to prohibit the sale, or otherwise regulate the sale, of firearms, and would declare that this authorization is declaratory of existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53071 of the Government Code
2 is amended to read:

1 53071. (a) It is the intention of the Legislature to
2 occupy the whole field of regulation of the registration or
3 licensing of commercially manufactured firearms as
4 encompassed by the provisions of the Penal Code, and
5 ~~such~~ *these* provisions shall be exclusive of all local
6 regulations, relating to registration or licensing of
7 commercially manufactured firearms, by any political
8 subdivision as defined in Section 1721 of the Labor Code.

9 (b) Any city or county may enact an ordinance by
10 resolution to prohibit the sale, or otherwise regulate the
11 sale, of firearms. *For purposes of this subdivision, the*
12 *point of sale shall be the location of any retail*
13 *establishment that sells the firearms.*

14 SEC. 2. The Legislature finds and declares that the
15 amendment of Section 53071 of the Government Code
16 made by Section 1 of this act does not constitute a change
17 in, but is declaratory of, existing law.

18 SEC. 3. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or
20 safety within the meaning of Article IV of the
21 Constitution and shall go into immediate effect. The facts
22 constituting the necessity are:

23 In order to clarify the law with respect to the regulation
24 of the sale of firearms by local government in light of the
25 decision in California Rifle and Pistol Association v. City
26 of West Hollywood, Superior Court of California, County
27 of Los Angeles, BC144600, and to allow the dozens of cities
28 and counties waiting to adopt an ordinance to regulate
29 the sale of firearms, or who have already adopted an
30 ordinance, to take appropriate action and implement
31 those ordinances, as soon as possible, it is necessary that
32 this act take effect immediately.